IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO : 13851 of 2005

Between:

R.M.K. Telangana Minerals and Chemicals (P) Ltd., Kothagudem represented by its
Managing Director Karnam Venkateswara Rao, s/o Appanna, Plot No.510, Sri Nilaya Apartments, Opp:Loyola Auditorium, Vijayawada.

..... PETITIONER

AND

1 The Andhra Bank, represented by its General Manager, Recovery Management Division, Saifabad, Hyderabad.
2 The Regional Manager, Andhra Bank, Regional Office, Warangal.
3 The Branch Manager, Andhra Bank, M.G.Road, Kothagudem Branch, Kothagudem-
507 101.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus or any other appropriate writ, order or direction declaring the impugned action of the respondents in seeking to sell the immovable property belonging to the Managing Director of the company, in execution of EP 17/2003 without considering the representations of the petitioner for the benefit of one time settlement introduced by Reserve Bank of India, even though the petitioner is entitled for the same on par with other beneficiaries borrowers and without following the due process of law as illegal, arbitrary and violative of principles of natural justice etc., and consequently directing the respondents to consider the One Time Settlement proposal of the petitioner on par with other beneficiaries/borrowers of the scheme.

Counsel for the Petitioner: MR.N.V.ANANTHA KRISHNA

Counsel for the Respondents: MR.N.RAMAMOHANA RAO

The Court at the stage of admission made the following:

ORAL ORDER:

Heard the learned counsel for the petitioner and Sri Nuty Ram Mohan Rao, learned Standing Counsel for the respondents.

2. The grievance of the petitioner in this Writ Petition is that, despite an application having been made earlier by the petitioner seeking one time settlement, the respondents are selling the immovable property belonging to the Managing Director of the petitioner company in execution of E.P.No.17 of 2003 without considering the one time settlement proposals submitted by the petitioner.

3. On instructions, the learned Standing Counsel for the respondents, submits that the application made by the petitioner seeking one time settlement in 2003 was for payment of a negligible amount, which, the Bank, on examining the said application, did not consider appropriate to favourably recommend.

4. The learned counsel for the petitioner submits that he will make a fresh application seeking one time settlement within two weeks from the date of receipt of a copy of this order. The learned Standing Counsel submits that in case such an application is made, the Bank would consider the same within two (02) weeks thereafter.

5. The Writ Petition is disposed of accordingly. No costs.

19.7.2005

SSR

Issue order copy in two days.

(BO)

To

1 The General Manager, Recovery Management Division, Andhra Bank, Saifabad, Hyderabad.
2 The Regional Manager, Andhra Bank, Regional Office, Warangal.
3 The Branch Manager, Andhra Bank, M.G.Road, Kothagudem Branch, Kothagudem-
507 101.

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